IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2041 OF 2007

1. Manoj Pralhad Sonawane,

2. Sachin Manik Sonawane. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

A.P.Mundargi, senior counsel with
S.R.Mithare for the applicants.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 31st July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.I-396/2006 registered with M.F.C. Police Station, Kalyan for the offences punishable under sections 307, 34 of Indian Penal Code (I.P.C.) and section 25(1)(k) of the Arms Act

3. The case of the applicants is mainly under section 307 of I.P.C. It is the prosecution case that that the complainant was assaulted by applicant Nos.1 and 2 by chopper and knife and caused grave injury to

him. The investigation is already over. Chargesheet has already been filed. The present applicants are in custody since October, 2006. Almost for more than 9 months they are in jail. It is no doubt true that C.A. report is yet to come. However, there is no possibility of the applicants tampering with the C.A. report.

4. Learned A.P.P. expressed apprehension that if the applicants are released on bail, they may tamper with the prosecution material or may try to pressurise the eye witnesses. In order to get over this argument, the learned counsel appearing for the applicants submits that if the bail is granted, then both the applicants shall not enter into the jurisdiction of the Sessions Court Kalyan.

5. Having regard to the nature of the offence and the apprehension expressed by learned A.P.P., I am inclined to grant bail in favour of the applicants, however, subject to the following conditions:

(a) The applicants, arrested in connection with C.R.No.I-396/2006 registered with M.F.C. Police Station, Kalyan shall be enlarged on bail in the sum of Rs.10,000/- each with one local surety to make up the said amount.

(b) The applicants shall not enter into the jurisdiction of Sessions Court, Kalyan unless the trial is complete except for attending Court during court hours , that too on the particular day of trial and shall leave the area, immediately, after court hours.

(c) Both applicants undertake to furnish their addresses, where they propose to stay after they are enlarged on bail, to the Investigating Officer within one week from today. The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the investigating officer. The police officer shall be free to randomly check the presence of the applicants even in the midnight during night patrolling.

(d) They are directed to report to the police station, which will be nearest to their

residence, twice a week i.e. on every Monday and Friday between 3.00 to 5.00 p.m. till conclusion of the trial except on the day of trial.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicants shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

6. Application stands disposed of accordingly.

JUDGE